

THIRD DAY - JANUARY 9, 2004

LEGISLATIVE JOURNAL

NINETY-EIGHTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 2004

PRAYER

The prayer was offered by Pastor Paul Witt, St. Mary's Catholic Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Hartnett, Hudkins, and Mossey who were excused; and Senators Brashear and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 90, line 14, strike "Wooten" and insert "Wootton".
The Journal for the first day was approved as corrected.

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Senator Vrtiska moved that the rules, as now in our possession, be adopted for today only, Friday, January 9, 2004.

The motion prevailed.

REPORTS

The following reports were received by the Legislature:

Educational Lands and Funds, Board of

Annual Report for July 1, 2002 through June 30, 2003

Economic Development, Department of

Annual Report for the Venture Capital Forum Corporation

Legislative Task Force

Final Report for the LB 407 Task Force

Motor Vehicles, Department of

Motor Vehicle Insurance Database Task Force Report

Retirement Systems Committee, Nebraska, Legislative

Early Retirement for Long-term State Employees, LR 135, 2003

Retirement Benefits for Certain Retired School Employees, LR 129, 2003

Revenue, Department of

2003 Charitable Gaming Division Annual Report

**2003 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
87	Examine expanding protections of Grain Dealer Act		X	
93	Examine protections for participants in livestock transactions		X	
88	Review implications of federal court decisions on legality of state checkoff programs			X
89	Examine funding options for noxious weed programs		X	
95	Review tractor permit law and alternatives for tractor testing lab		X	
105	Industrial waste recycling for use in fertilizers		X	
137	Financial assurance in DEQ and Dept. of Ag. administered programs		X	
106	Study pest management practices in schools	X		
149	Examine regulatory requirements for confined feeding operations		X	

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
96	Interim study to examine a second round of deferred maintenance projects by the University of Nebraska and state colleges that could be completed			X

124	Interim study to determine what would be the administrative costs to the state of taking over the administration of the federal Head Start Program		X	
141	Interim study to examine the impact of eliminating the Nebraska Forest Service	X		
153	Interim study to determine if there are cost savings by outsourcing purchase and maintenance of state-owned computers, network equipment, and computer peripherals			X
183	Interim study to provide information on patterns of spending by government agencies			X

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
63	Prompt payment of health claims		X	
83	File and use of personal lines P&C Insurance			X
82	Interstate review of life insurance, annuities, and disability income			X
93	Livestock sales transactions		X	
84	Modify Uniform Trust Code		X	
187	Regulation of health provider networks			X

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
101	Study hours of work relating to mandatory overtime		X	
107	Study workers' compensation update needs	X		
108	Study unemployment insurance benefits eligibility changes		X	
109	Study Workers' Compensation Court administrative function	X		
110	Study Professional Employer Organizations	X		
111	Study collective bargaining			X

	statutes			
112	Study programs and funds administered by Dept. of Labor		X	
138	Study collective bargaining process in schools			X
158	Study creating a workers' compensation uninsured employer fund		X	
175	Study employment discrimination based on sexual orientation			X
177	Study Workers' Compensation Court vocational rehabilitation specialists role		X	
178	Study laws regarding independent contractor status	X		

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
138	Interim study of the collective-bargaining process used by teachers' unions and school boards.			X
144	Interim study to examine the area of need-based aid to students attending postsecondary educational institutions.			X
180	Interim study to review the organizational structure of elementary and secondary education.	X		
184	Interim study to examine the state's obligation to provide for free instruction for persons between the ages of five and twenty-one years with respect to cocurricular and extracurricular activities.			X
194	Interim study to examine methods for determining amounts to be paid by the Dept. of Health and Human Services as education costs for wards of the state.			X

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
133	Interim study to convene an Economic Summit to discuss state priorities and to recommend changes to our revenue system Executive Board		X	

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
150	Interim study to examine issues related to the high volume of liquor sales from Whiteclay, Nebraska, to the Oglala Sioux Tribe		X	
151	Interim study of charitable gaming in Nebraska		X	
152	Interim study of the current system for tracking cemetery locations in the state		X	

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
90	Interim study to examine residency requirements for elected county officials.		X	
91	Interim study to examine granting statutory authority to counties to enact ordinances, bylaws, rules, regulations, or resolutions.		X	
127	Interim study to examine issues under the jurisdiction of the Government, Military & Veterans Affairs Committee.		X	
134	Interim study to examine information available on county assessors', registers of deeds', and county clerks' websites.		X	
143	Interim study to examine ways to ensure that candidates for the office of county sheriff are qualified to assume office		X	

	immediately upon election.			
147	Interim study to examine the structure and mission of the Mexican-American Commission and the Commission on Indian Affairs.		X	
165	Interim study to review the implementation of LB 626, regarding services contracts by agencies and the Department of Administrative Services.		X	
198	Interim study to examine the efficiency of local government, particularly county, city and township government.	X		

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
42	Interim study to examine the quality of services coordination provided by the Department of Health and Human Services to persons in Nebraska's developmental disabilities system		X	
85	Interim study to determine whether the prior authorization systems for Medicaid recipients who receive prescription drugs have adequate safeguards		X	
145	Interim study to examine the need for mental health advance directives in Nebraska		X	
148	Interim study to review application of the law allowing temporary placement of certain juveniles with the Department of Health and Human Services		X	
155	Interim study to examine how child abuse and neglect and sexual abuse reports are being responded to by child protective services at the Department of Health and law enforcement		X	
159	Interim study to review policies and procedures necessary in establishing a comprehensive		X	

	organ donor registry			
160	Interim study of the overall structure of the medicaid program		X	
164	Interim study to examine alternative funding mechanisms for the superfund site in Omaha		X	
179	Interim study to convene a task force to examine the role and mission of licensed assisted-living facilities serving Nebraska's elderly		X	
182	Interim study to examine the administrative and personnel structure of the Health and Human Services System		X	
186	Interim study to examine the causes and effects of obesity on young people		X	
188	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee		X	

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
86	Digitized Law Enforcement Identification		X	
115	Fiscal Impact of Inmate Telephone Calls		X	
125	Crime Victims' Reparations		X	
130	Correctional System	X		
136	Manual Strangulation		X	
139	Lincoln Correctional Center Closing	X		
146	Statutes of Limitation for Sexual Offenses Against Children		X	
154	Permanency for Foster Care Children		X	
155	Protection and Safety System		X	
168	Drug Court Programs		X	
169	State DNA Database		X	
170	Lowering the Age of Majority		X	
171	Community Corrections		X	

172	Methamphetamine		X	
176	Discrimination Based on Sexual Orientation in Buying or Renting Real Estate		X	
185	Domestic Violence		X	

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
98	Examine issues facing the Environmental Trust		X	
99	Examine problems surrounding the disposal of electronic equipment			X
100	Examine barriers to renewable energy development			X
102	Examine the Department of Natural Resources since its creation by the merging of the Department of Water Resources and the Natural Resources Commission		X	
103	Examine the Petroleum Release Remedial Action Act		X	
104	Review the scrap tire program		X	
105	Examine the issues surrounding the use of hazardous waste as fertilizer		X	
113	Examine the revenue possibilities for the Game and Parks Commission for roads as well as boating activities		X	
121	Examine the issues surrounding the Livestock Waste Management Act, including funding and recently enacted federal legislation		X	
137	Examine financial assurance requirements in all of the programs in the Department of Environmental Quality and the Department of Agriculture (Joint with the Agriculture Committee)		X	
149	Review and analyze the effects of the state's general permit rules for open-area livestock yards and of the proposed federal general		X	

	permit rules for all confined area feedlot areas (Joint with the Agriculture Committee and the Government, Military and Veterans Affairs Committee)			
164	Examine alternative funding mechanisms for the superfund site in Omaha (Joint with the Health and Human Services Committee)			X
173	Examine any steps that could be taken to enhance, support and develop the recreational value of Nebraska's lakes and rivers		X	

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
81	Study to Examine Firefighter Pension Plans of Cities of the First Class			X
128	Study to Examine the Transfer of State Service Annuities from the School Retirement System to the System Created under the Class V School Employees Retirement Act		X	
129	Study to Examine Issues Raised in LR 21CA Concerning Retirement Benefits for Certain Retired School Employees	X		
135	Study to Examine Alternatives to Provide a Program for Early Retirement for Long-term State Employees	X		

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
LB 407 & LR 167	LB 407 Task Force and LR 167 Revenue Committee All major tax programs, exemptions and credits, relative reliance and incidence/relative burden	X		
140	Corporate occupation tax	X		
156	Small business tax credits (LB			X

	776)			
162	Effectiveness of TERC	X		
166	Taxing all media advertising	X		
92	Special value or special class for agricultural land			X
122	Predatory pricing of motor vehicle fuel			X
123	Master Settlement Agreement Protection Act			X
157	Income tax based charitable giving incentives		X	

Transportation and Telecommunications

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
116	State common carrier laws, rules and regulations			X
117	Speed limits, fine schedule and enforcement of speed limits		X	
118	Unsolicited electronic mail			X
119	Issues that come under the jurisdiction of the Transportation and Telecommunications Committee Young Drivers/Provisional Operators' Permits Older Drivers/License Renewals		X	
120	State and federal common carrier laws, rules and regulations		X	
161	Support and develop the vehicle service and towing industry			X
163	Level and type of use, governance, financing, and promotion of airport facilities			X
181	Application of motor carriers' rates to transportation services purchased by the Health and Human services system			X

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
114	Upgrading Nebraska's Building Energy Conservation Standard			X
193	Issues Under the Jurisdiction of the Urban Affairs Committee		X	

Select Committee

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
92	Interim study to examine Nebraska's plan for the continuity of government in periods of emergency.	X		

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 932. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-179, Revised Statutes Supplement, 2002; to change provisions relating to compensation court review procedure; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to infants; to provide for safe havens where newborns may be taken without liability.

LEGISLATIVE BILL 934. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance age; and to repeal the original section.

LEGISLATIVE BILL 935. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1363, Reissue Revised Statutes of Nebraska; to change provisions relating to valuation of irrigated cropland; and to repeal the original section.

LEGISLATIVE BILL 936. Introduced by Landis, 46.

A BILL FOR AN ACT relating to libraries; to amend section 51-213, Reissue Revised Statutes of Nebraska; to change annual report

requirements; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Landis, 46.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-696, Reissue Revised Statutes of Nebraska; to change voting provisions for the board of park commissioners; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to the Address Confidentiality Act; to amend section 42-1206, Revised Statutes Supplement, 2003; to change provisions relating to address and name use; and to repeal the original section.

MOTION - Unbracket LB 208

Senator Bourne renewed his pending motion, found on page 150, to unbracket LB 208.

Senator Bourne asked unanimous consent to unbracket LB 208. No objections. So ordered.

MOTION - Adopt Permanent Rules

Senator Baker moved to adopt the permanent rules for the Ninety-Eighth Legislature, Second Session.

The Rules Committee renewed their proposed rules changes found on pages 125 through 127.

The Rules Committee's proposed rules changes were adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the adoption of the permanent rules, as amended.

Voting in the affirmative, 38:

Aguilar	Connealy	Jensen	Pedersen, Dw.	Stuhr
Baker	Cudaback	Jones	Preister	Stuthman
Beutler	Cunningham	Kremer	Price	Thompson
Bromm	Engel	Kruse	Raikes	Tyson
Brown	Erdman	Louden	Redfield	Vrtiska
Burling	Foley	Maxwell	Schimek	Wehrbein
Byars	Friend	McDonald	Schrock	
Combs	Janssen	Mines	Smith	

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Bourne	Landis	Quandahl
Johnson	Pederson, D.	Synowiecki

Excused and not voting, 4:

Brashear	Hartnett	Hudkins	Mossey
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The Baker motion to adopt permanent rules, as amended, prevailed with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 939. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; Smith, 48.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-501, 13-804, and 13-2504, Revised Statutes Supplement, 2002; to require certain political subdivisions to provide the Auditor of Public Accounts with information regarding interlocal and joint public agency agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Combs, 32; McDonald, 41.

A BILL FOR AN ACT relating to state government; to amend sections 81-8,271.01, 81-1201.01, 81-1201.02, 81-1201.03, and 81-1201.08, Reissue Revised Statutes of Nebraska, and section 43-260, Revised Statutes

Supplement, 2002; to eliminate certain task forces, commissions, an implementation team, an advisory committee, a board, a center, and a fund and related provisions; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 51-602, 51-605 to 51-607, 66-1350, 68-1725.01, 74-922 to 74-925, 81-1201.04 to 81-1201.06, and 83-4,148 to 83-4,152, Reissue Revised Statutes of Nebraska, and sections 2-5201, 32-121, 43-3601 to 43-3603, 46-1302, 46-1303, 48-2401, 48-2402, 50-301 to 50-309, 51-601, 51-603, 51-604, and 81-2013.01 to 81-2013.04, Revised Statutes Supplement, 2002; and to declare an emergency.

LEGISLATIVE BILL 941. Introduced by Byars, 30.

A BILL FOR AN ACT relating to occupational therapy; to amend sections 71-6101, 71-6103, 71-6104, 71-6113, and 71-6115, Reissue Revised Statutes of Nebraska; to redefine terms; to provide for scope of practice and referrals; to require education and training for certain activities; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 942. Introduced by Byars, 30.

A BILL FOR AN ACT relating to local public health departments; to amend sections 71-501, 71-1628.08, and 71-1636, Reissue Revised Statutes of Nebraska; to change provisions relating to funding and applicability of law; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 943. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Reissue Revised Statutes of Nebraska; to change provisions relating to statutes of limitations; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 944. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to tobacco; to amend section 69-2703, Reissue Revised Statutes of Nebraska; to change provisions relating to the Master Settlement Agreement and requirements of tobacco product manufacturers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 945. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 66-1349, 77-202, 77-1229, 77-2734.05, 77-27,119, 77-5405, and 77-5536, Reissue Revised Statutes of Nebraska, and section 49-801.01, Revised Statutes Supplement, 2003; to repeal the Employment and Investment Growth Act; to harmonize provisions; to repeal the original

sections; and to outright repeal sections 77-4101 to 77-4113, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 946. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 75-903, 75-905, and 89-1,105, Reissue Revised Statutes of Nebraska, and sections 88-528 and 88-530.01, Revised Statutes Supplement, 2003; to change provisions relating to grain dealers, grain warehouses, and measuring devices; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 947. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to amusement ride permits; to amend section 48-1805, Reissue Revised Statutes of Nebraska; to change time provisions for permit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 948. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to boiler inspection; to amend sections 48-719, 48-720, 48-723 to 48-725, 48-728 to 48-733, 48-735.01 to 48-741, and 48-743, Reissue Revised Statutes of Nebraska, and sections 48-721, 48-722, 48-726, 48-727, and 81-401, Revised Statutes Supplement, 2002; to rename an act, a fund, and a board; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 949. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to elevator safety; to amend section 48-418.09, Reissue Revised Statutes of Nebraska; to change provisions relating to elevator inspections; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 950. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to the New Hire Reporting Act; to amend section 48-2303, Reissue Revised Statutes of Nebraska; to change report requirements; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 951. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend

section 48-627, Reissue Revised Statutes of Nebraska; to change provisions relating to availability for work; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-648.01 and 48-649, Reissue Revised Statutes of Nebraska, and section 48-648, Revised Statutes Supplement, 2002; to provide for electronic payments, reports, and reimbursements by employers as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 953. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend section 48-602, Revised Statutes Supplement, 2002; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to employment security law; to amend section 48-628, Revised Statutes Supplement, 2002; to provide a benefit disqualification provision; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Landis, 46.

A BILL FOR AN ACT relating to income tax; to amend sections 77-2786, 77-2793, and 77-2794, Reissue Revised Statutes of Nebraska; to change provisions relating to deficiency determinations, claims for credit or refund, and income tax overpayment; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue; to amend section 77-1784, Reissue Revised Statutes of Nebraska; to change provisions relating to electronic filing; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Landis, 46.

A BILL FOR AN ACT relating to taxation; to amend sections 77-2704.25, 77-2704.36, 77-2716, 77-2734.01, 77-2753, and 77-2775, Reissue Revised Statutes of Nebraska, and section 85-1808, Revised Statutes Supplement, 2003; to change provisions relating to exemptions, tax adjustments, income determinations, withholding, and tax liability; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Foley, 29; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2003; to adopt the Assault of an Unborn Child Act; to create the offense of assault of an unborn child; to define a term; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Foley, 29; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-307, Reissue Revised Statutes of Nebraska; to provide for a civil action for damages on behalf of an unborn child as prescribed; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; Price, 26; Snowniewiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska; to change provisions relating to membership; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 961. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; Price, 26; Snowniewiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-907, Reissue Revised Statutes of Nebraska; to change a mailing requirement for statements of information; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Friend, 10; Jones, 43; Kremer, 34; Loudon, 49; Preister, 5; Stuhr, 24; and Aguilar, 35; Baker, 44; Beutler, 28; Bromm, 23; Brown, 6; Burling, 33; Combs, 32; Cudaback, 36; Erdman, 47; Jensen, 20; Johnson, 37; Landis, 46; D. Pederson, 42; Price, 26; Raikes, 25; Schimek, 27; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to water management; to amend sections 2-1586, 46-229.02, 46-229.03, 46-2,127, 46-609, 46-651, 46-656.03, 46-656.04, 46-656.08, 46-656.11, 46-656.13, 46-656.21, 46-656.32, 46-656.35, 46-656.36, 46-656.37, 46-656.39, 46-656.41, 46-656.42, 46-656.43, 46-656.44, 46-656.45, 46-656.46, 46-656.47, 46-656.48, 46-656.64, 46-680, 46-1207.01, 61-206, and 77-27,137.02, Reissue Revised

Statutes of Nebraska, sections 2-1588, 46-229, 46-229.04, 46-230, 46-235.04, 46-237, 46-261, 46-290, 46-291, 46-292, 46-293, 46-294, 46-295, 46-296, 46-2,112, 46-2,119, 46-613.02, 46-653, 46-656.05, 46-656.14, 46-656.19, 46-656.25, 46-656.26, 46-656.27, 46-656.31, 46-656.33, 46-656.38, 46-656.40, 46-656.62, 46-656.63, 46-656.65, 46-656.66, 46-656.67, 46-676, 46-678.01, and 81-15,176, Revised Statutes Supplement, 2002, and sections 46-602, 46-656.01, 46-656.02, 46-656.07, 46-656.10, 46-656.12, 46-656.24, 46-656.29, and 46-656.30, Revised Statutes Supplement, 2003; to change provisions relating to appropriations; to change, transfer, and eliminate provisions relating to the Nebraska Ground Water Management and Protection Act and the Department of Natural Resources; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 46-656.06, 46-656.09, 46-656.17, 46-656.18, 46-656.20, 46-656.22, 46-656.23, and 46-656.49, Reissue Revised Statutes of Nebraska, and sections 46-656.15, 46-656.16, 46-656.28, and 46-656.50 to 46-656.61, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 963. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the military service; to amend section 55-101, Revised Statutes Supplement, 2003; to adopt portions of the federal Servicemembers Civil Relief Act; and to repeal the original section.

LEGISLATIVE BILL 964. Introduced by Smith, 48.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1446, 49-14,122, 49-14,129, and 49-14,140, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1447, 49-1455, 49-1463.01, 49-14,123, and 49-14,124 to 49-14,126, Revised Statutes Supplement, 2002; to provide limitations on campaign contributions; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1605 to 32-1607, 32-1608.01 to 32-1610, and 32-1612 to 32-1614, Reissue Revised Statutes of Nebraska, sections 32-1603 to 32-1604.01, 32-1608, and 32-1611, Revised Statutes Supplement, 2002, and section 77-27,119.04, Revised Statutes Supplement, 2003; and to declare an emergency.

LEGISLATIVE BILL 965. Introduced by Price, 26.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Successful Schools Foundation Act.

LEGISLATIVE BILL 966. Introduced by Baker, 44; Kremer, 34.

A BILL FOR AN ACT relating to trade practices; to amend section 87-703, Reissue Revised Statutes of Nebraska; to redefine equipment business terms; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Baker, 44.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; and to repeal the original section.

LEGISLATIVE BILL 968. Introduced by Baker, 44.

A BILL FOR AN ACT relating to courts; to amend sections 24-507 and 24-508, Reissue Revised Statutes of Nebraska; to change provisions relating to clerk magistrates; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 969. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Friend, 10; Hudkins, 21; Jones, 43; Kremer, 34; Loudon, 49; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to electricity; to amend sections 18-412.06 and 70-601, Reissue Revised Statutes of Nebraska; to authorize public entities to enter into electrical service purchase agreements as prescribed; to define and redefine terms; to provide powers and duties; to state intent; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 970. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1343, 77-1344, 77-1363, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the county board of equalization; to amend section 77-1502, Reissue Revised Statutes of Nebraska; to change protest procedures as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 972. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1380, 77-1514, and 77-5027, Reissue Revised Statutes of Nebraska; to change provisions relating to property assessment abstracts and property assessments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.04, 77-1234, 77-1345.01, 77-1380, 77-1384, 77-1504.01, 77-1510, 77-1510.01, 77-1606, 77-1608, 77-1610, 77-1623, 77-3519, 77-3520, 77-5001, 77-5007, 77-5013, 77-5015, 77-5016, 77-5017, 77-5020, 77-5022, 77-5023, and 84-912.03, Reissue Revised Statutes of Nebraska; to change and eliminate appeal provisions relating to property taxation; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1607 and 77-1609, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 974. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 975. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change income tax and sales tax rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Combs, 32; Burling, 33; Cunningham, 40; Kremer, 34; Redfield, 12; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for confidential records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Combs, 32; Chambers, 11; Kremer, 34; Preister, 5; Price, 26; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Revised Statutes Supplement, 2002; to provide for compensation for permanent disfigurement and scarring; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to loans; to amend sections 45-1024 and 45-1025, Revised Statutes Supplement, 2003; to change provisions relating to the Nebraska Installment Loan Act; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to finance; to amend sections 25-1530,

30-2734, 43-3334, 72-1262, 76-1006, 76-1009, 76-1010, 76-1012, 77-2365.01, 77-2366, and 77-2387, Reissue Revised Statutes of Nebraska; to change provisions relating to foreclosure, uniform transfer on death security registration, bank match system, trust deeds, and public funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to insurance; to amend section 44-704, Reissue Revised Statutes of Nebraska; to change provisions relating to ownership of life insurance and annuities; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Mines, 18.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-138, 48-140, and 48-141, Reissue Revised Statutes of Nebraska, and section 48-139, Revised Statutes Supplement, 2002; to change provisions relating to lump-sum settlements; and to repeal the original sections.

LEGISLATIVE BILL 982. Introduced by Preister, 5; Brown, 6.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120 and 48-120.02, Revised Statutes Supplement, 2002; to change provisions relating to nonparticipating physicians and managed care plans; and to repeal the original sections.

LEGISLATIVE BILL 983. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to motor fuels; to amend sections 60-1307, 66-482 to 66-489.01, 66-496, 66-498, 66-499, 66-4,105, 66-4,106, 66-4,114, 66-4,116, 66-4,140, 66-4,141, 66-4,143 to 66-4,147, 66-4,149, 66-502, 66-525, 66-685 to 66-687, 66-698, 66-6,100, 66-6,106, 66-6,107, 66-6,109.01 to 66-6,111, 66-712, 66-713, 66-717, 66-718, 66-720, 66-722, 66-726, 66-727, 66-733 to 66-737, 66-1334, 66-1345, 66-1401, 66-1510, 66-1521, 77-2704.05, and 77-2734.03, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-1303, and 60-1306, Revised Statutes Supplement, 2003; to change and eliminate provisions relating to motor fuels taxation; to impose taxes; to eliminate provisions relating to tax credit gasoline and the Diesel Fuel Tax Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 66-490 to 66-492, 66-494, 66-4,118 to 66-4,121, 66-4,124 to 66-4,134, 66-4,142, and 66-650 to 66-683, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 984. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03, 77-422, 77-603, 77-612, 77-684, 77-801, 77-802, 77-802.02, 77-1249, 77-1330, 77-1775, 77-3506.02, and 79-1016, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to tax-exempt status; to change and eliminate appeal procedures; to change filing requirements; to change a provision relating to homesteads; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-202.06, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 985. Introduced by Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Revised Statutes Supplement, 2002; to change disability compensation provisions; and to repeal the original section.

LEGISLATIVE BILL 986. Introduced by Bourne, 8; Aguilar, 35; Baker, 44; Beutler, 28; Bromm, 23; Byars, 30; Chambers, 11; Connealy, 16; Cudaback, 36; Engel, 17; Janssen, 15; Jensen, 20; Johnson, 37; Jones, 43; Mines, 18; Preister, 5; Raikes, 25; Schimek, 27; Schrock, 38; Stuthman, 22; Synowiecki, 7; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3526 and 77-3527, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions for a veteran homestead exemption; and to repeal the original sections.

LEGISLATIVE BILL 987. Introduced by Bourne, 8; Connealy, 16; Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2003; to create the offense of strangulation; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 988. Introduced by Bourne, 8; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change local option sales tax distribution; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Landis, 46; Quandahl, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-321, Reissue Revised Statutes of Nebraska; to change provisions relating to financial responsibility; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540,

Revised Statutes Supplement, 2002; to prohibit actions relating to repair and replacement of personal property; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Landis, 46.

A BILL FOR AN ACT relating to labor; to amend section 48-1220, Reissue Revised Statutes of Nebraska; to redefine a term relating to discriminatory wage practices based on sex; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Agriculture Committee: Kremer, 34, Chairperson; Burling, 33; Chambers, 11; Cunningham, 40; Erdman, 47; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend section 88-525, Revised Statutes Supplement, 2003; to change the Grain Warehouse Act; and to repeal the original section.

STANDING COMMITTEE REPORT **Transportation and Telecommunications**

LEGISLATIVE BILL 100. Placed on General File as amended.

Standing Committee amendment to LB 100:

AM2178

- 1 1. Strike original sections 10, 11, 16, and 17 and
- 2 insert the following new sections:
- 3 "Sec. 10. Section 60-310, Revised Statutes Supplement,
- 4 2003, is amended to read:
- 5 60-310. (1) Registration may be renewed annually in the
- 6 same manner and upon payment of the same fee as provided for the
- 7 original registration. On making an application for renewal, the
- 8 registration certificate for the preceding registration period
- 9 shall be presented with the application.
- 10 (2) The certificate of registration and license plates
- 11 furnished by the department shall be valid during the registration
- 12 period for which they are issued, and when renewal tabs furnished
- 13 pursuant to section 60-311 have been affixed to the license plates,
- 14 the plates shall also be valid for the registration period
- 15 designated by such renewal tabs.
- 16 (3) The registration period for motor vehicles, trailers,
- 17 semitrailers, and cabin trailers required to be registered as
- 18 provided in section 60-302 shall expire on the first day of the
- 19 month one year from the month of issuance, and renewal shall become
- 20 due on such day and shall become delinquent on the first day of the
- 21 following month.
- 22 (4) Subsections (1) through (3) of this section do not
- 23 apply to dealer's license plates, repossession plates, and
- 24 transporter plates as provided in section 60-320, which plates
- 1 shall be issued for a calendar year. The registration period for
- 2 vehicles licensed as apportioned vehicles as provided in section

3 60-356 shall expire December 31 of each year and shall become
4 delinquent February 1 of the following year.

5 (5) Any owner who has two or more vehicles required to be
6 registered under Chapter 60, article 3, may register all such
7 vehicles on a calendar-year basis or on an annual basis for the
8 same registration period beginning in a month chosen by the owner.
9 When electing to establish the same registration period for all
10 such vehicles, the owner shall pay the registration fee, the motor
11 vehicle tax imposed in section 60-3002, and the motor vehicle fee
12 imposed in section 60-3007 on each vehicle for the number of months
13 necessary to extend its current registration period to the
14 registration period under which all such vehicles will be
15 registered. Credit shall be given for registration paid on each
16 vehicle when the vehicle has a later expiration date than that
17 chosen by the owner except as otherwise provided in sections
18 60-311.23 and 60-315.01 and sections 3, 5, 7, and 9 of this act.
19 Thereafter all such vehicles shall be registered on an annual basis
20 starting in the month chosen by the owner.

21 Sec. 11. Section 60-311.02, Revised Statutes Supplement,
22 2003, is amended to read:

23 60-311.02. The letters and numerals for motorcycle and
24 trailer plates may be one-half the size of those required for motor
25 vehicles.

26 On license plates issued to a manufacturer or dealer,
27 there shall be displayed, in addition to the registration number,
1 the letters DLR.

2 On license plates issued for use on motor vehicles which
3 are exempt pursuant to subdivision (6) of section 60-3002, there
4 shall be ~~embossed~~ printed, in addition to the registration number,
5 the word exempt which shall appear at the bottom of the license
6 plates issued after January 1, 1999. The Department of Motor
7 Vehicles may provide distinctive plates for the exempt vehicles.

8 On commercial trucks and truck-tractors with a gross
9 weight of five tons or over and on farm trucks with a gross weight
10 of over sixteen tons there shall be displayed, in addition to the
11 registration number, the weight that such vehicle is licensed for,
12 using a sticker or tab on the registration plates of such trucks in
13 letters and figures of such size and design as shall be determined
14 and furnished by the department.

15 When two registration plates are issued, one shall be
16 prominently displayed at all times on the front and one on the rear
17 of the registered vehicle. When only one plate is issued for
18 dealers, motorcycles, semitrailers, trailers, cabin trailers, and
19 buses, it shall be prominently displayed on the rear of the
20 registered vehicle. When only one plate is issued for motor
21 vehicles registered pursuant to section 60-356 and truck-tractors,
22 it shall be prominently displayed on the front of the apportioned
23 vehicle.

24 Any violation of this section shall be subject to a

- 25 penalty or penalties as provided in section 60-348.
26 Sec. 16. This act becomes operative on July 1, 2005.
27 Sec. 17. Original sections 81-5,151 and 81-5,157,
1 Reissue Revised Statutes of Nebraska, sections 60-311.11 and
2 60-315, Revised Statutes Supplement, 2002, and sections 60-310 and
3 60-311.02, Revised Statutes Supplement, 2003, are repealed."
4 2. On page 2, strike beginning with "The" in line 6
5 through the period in line 10; and in line 20 strike "2004" and
6 insert "2005".

(Signed) Tom Baker, Chairperson

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 172:
AM2182

- 1 1. Insert the following new section:
- 2 "Sec. 2. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

Senator Schimek filed the following amendment to LB 75:
AM2176

(Amendments to Standing Committee amendments, AM0425)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 23-1701.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 23-1701.01. (1) Each candidate for the office of sheriff
- 6 shall submit with the candidate filing form required by section
- 7 32-607 proof that, at least thirty days prior to the filing
- 8 deadline, he or she has:
- 9 (a) Successfully passed a background investigation
- 10 performed by the Nebraska Law Enforcement Training Center based on
- 11 a check of his or her criminal history record information
- 12 maintained by the Federal Bureau of Investigation through the
- 13 Nebraska State Patrol; and
- 14 (b) Received a minimum combined score on the reading
- 15 comprehension and English language portions of an adult basic
- 16 education examination designated by the Nebraska Law Enforcement
- 17 Training Center.
- 18 (2) Each sheriff shall attend the Nebraska Law
- 19 Enforcement Training Center and receive a certificate attesting to
- 20 satisfactory completion of the Sheriff's Certification Course
- 21 within eight months of taking office unless such sheriff has
- 22 already been awarded a certificate by the Nebraska Commission on
- 23 Law Enforcement and Criminal Justice attesting to satisfactory
- 1 completion of such course or unless such sheriff can demonstrate to
- 2 the Nebraska Police Standards Advisory Council that his or her
- 3 previous training and education is such that he or she will

4 professionally discharge the duties of the office. Any sheriff in
5 office prior to July 19, 1980, shall not be required to obtain a
6 certificate attesting to satisfactory completion of the Sheriff's
7 Certification Course but shall otherwise be subject to this
8 section. Each sheriff shall attend twenty hours of continuing
9 education in criminal justice and law enforcement courses approved
10 by the council each year following the first year of such sheriff's
11 term of office. Such continuing education shall be offered through
12 seminars, advanced education which may include college or
13 university classes, or conferences and shall be of a type which has
14 application to and seeks to maintain and improve the skills of the
15 sheriffs in carrying out the responsibilities of their office.
16 ~~(2)~~ (3) Unless a sheriff is able to show good cause for
17 not complying with subsection ~~(1)~~ (2) of this section or obtains a
18 waiver of the training requirements from the council, any sheriff
19 who violates subsection ~~(1)~~ (2) of this section shall be punished
20 by a fine equal to such sheriff's monthly salary. Each month in
21 which such violation occurs shall constitute a separate offense.
22 Sec. 2. Original section 23-1701.01, Reissue Revised
23 Statutes of Nebraska, is repealed."

Senator Kremer filed the following amendment to LB 212:
AM2171

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 2-2701.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 2-2701.01. For purposes of sections 2-2701 to 2-2711,
6 unless the context otherwise requires:
7 (1) Board shall mean the University of Nebraska Board of
8 Tractor Test Engineers which shall consist of three engineers under
9 the control of the university;
10 (2) Current tractor model shall mean any model included
11 in the manufacturer's annual price list of tractors being offered
12 for sale by its dealers or distributors;
13 (3) Department shall mean the Department of Agriculture;
14 (4) Director shall mean the Director of Agriculture or
15 his or her authorized representative;
16 (5) Person shall mean bodies politic and corporate,
17 societies, communities, the public generally, individuals,
18 partnerships, limited liability companies, joint-stock companies,
19 and associations; and
20 (6) Tractor shall mean an agricultural tractor of ~~forty~~
21 seventy or more horsepower which is a traction machine designed and
22 advertised primarily to supply power to agricultural implements and
23 farmstead equipment. An agricultural tractor propels itself and
24 provides a force in the direction of travel to enable attached
1 soil-engaging and other agricultural implements to perform their
2 intended function.

- 3 Sec. 2. Sections 2 to 9 of this act shall be known and
4 may be cited as the Tractor Testing Act.
- 5 Sec. 3. For purposes of the Tractor Testing Act:
- 6 (1) Board means the University of Nebraska Board of
7 Tractor Test Engineers which consists of three engineers under the
8 control of the university;
- 9 (2) Current tractor model means any tractor model
10 included in the manufacturer's annual price list of tractors being
11 offered for sale by its dealers or distributors;
- 12 (3) Person means bodies politic and corporate, societies,
13 communities, the public generally, individuals, partnerships,
14 limited liability companies, joint-stock companies, and
15 associations; and
- 16 (4) Tractor means an agricultural tractor of seventy or
17 more horsepower which is a traction machine designed and advertised
18 primarily to supply power to agricultural implements and farmstead
19 equipment. An agricultural tractor propels itself and provides a
20 force in the direction of travel to enable attached soil-engaging
21 and other agricultural implements to perform their intended
22 function.
- 23 Sec. 4. (1)(a) The Board of Regents of the University of
24 Nebraska shall adopt and promulgate rules and regulations setting
25 forth codes for the official testing of tractors.
- 26 (b) The Board of Regents of the University of Nebraska
27 shall adopt procedures for the official testing of agricultural
1 tractors as prescribed by the Organization for Economic Cooperation
2 and Development.
- 3 (c) The Board of Regents of the University of Nebraska
4 shall also adopt and promulgate rules and regulations for the
5 testing of tractors as published by the Society of Automotive
6 Engineers International and the American Society of Agricultural
7 Engineers.
- 8 (2) In addition to the powers and duties prescribed in
9 the Tractor Testing Act, the University of Nebraska shall have the
10 power to:
- 11 (a) Authorize the use of the Nebraska Tractor Testing
12 Laboratory facilities to conduct Organization for Economic
13 Cooperation and Development testing and other official tests;
- 14 (b) Cooperate with the United States Department of
15 Commerce when planning and conducting Organization for Economic
16 Cooperation and Development testing;
- 17 (c) Conduct offsite tractor tests; and
- 18 (d) Submit and certify tractor test results to the
19 federal government.
- 20 Sec. 5. Whenever a current tractor model has been tested
21 by the University of Nebraska or an official test result has been
22 submitted from any Organization for Economic Cooperation and
23 Development test station for review, the board shall prepare a
24 report of the results of such official test or review.

25 Sec. 6. (1) An application to test a current tractor
26 model by the University of Nebraska shall be submitted to the Board
27 of Regents of the University of Nebraska with an application fee
1 prescribed by the board. The application fee shall defray the
2 expenses of processing the application.

3 (2) The Board of Regents of the University of Nebraska
4 may establish and change from time to time as it determines
5 advisable a schedule of fees for testing current tractor models by
6 the Nebraska Tractor Testing Laboratory and a schedule of fees for
7 reviewing an official test of a current tractor model performed at
8 any Organization for Economic Cooperation and Development test
9 station other than the Nebraska Tractor Testing Laboratory. Fees
10 charged and collected for such testing or review shall be remitted
11 to the State Treasurer for credit to the University of Nebraska
12 Tractor Test Cash Fund, which fund is hereby created. The fund
13 shall be used by the Nebraska Tractor Testing Laboratory to defray
14 the expenses of testing current tractor models and reviewing
15 official test results. Any accrued interest shall also be credited
16 to the fund. Any money in the fund available for investment shall
17 be invested by the state investment officer pursuant to the
18 Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 Sec. 7. The report of an official current tractor model
21 test or review performed pursuant to section 2-2703 shall be
22 published by the board and made available in the Biological Systems
23 Engineering Department of the University of Nebraska and in such
24 other places as may be designated by the board. All information
25 pertaining to the official testing of a current tractor model shall
26 be public record and available for inspection during normal
27 business hours.

1 Sec. 8. No person shall use the results of official
2 current tractor model tests or reviews performed pursuant to
3 section 5 of this act in such manner as would cause it to appear
4 that the University of Nebraska intended to recommend the use of
5 any given current tractor model in preference to any other model.

6 Sec. 9. Current tractor models shall be tested or
7 reviewed in the order in which the applications are submitted for
8 such tests or reviews, and no discrimination shall be made for or
9 against any person in any manner whatsoever. Complaints alleging a
10 violation of this section shall be heard by the vice chancellor for
11 the University of Nebraska Institute of Agriculture and Natural
12 Resources.

13 Sec. 10. Sections 1 and 11 of this act become operative
14 on their effective date. The other sections of this act become
15 operative on July 1, 2007.

16 Sec. 11. Original section 2-2701.01, Reissue Revised
17 Statutes of Nebraska, is repealed.

18 Sec. 12. The following sections are outright repealed:
19 Sections 2-2701 to 2-2703 and 2-2705 to 2-2711, Reissue Revised

20 Statutes of Nebraska."

Senator Schrock filed the following amendment to LB 237:
AM2180

(Amendments to Standing Committee amendments, AM0570)

- 1 1. On page 1, line 20, after "mailing" insert "or
- 2 otherwise providing to the customer or leaving at the customer's
- 3 residence"; and in lines 21 and 22 strike "to the liquefied
- 4 petroleum gas customer".

RESOLUTIONS

LEGISLATIVE RESOLUTION 204. Introduced by Burling, 33.

WHEREAS, Rob Quirk of Troop 200, Hastings, Nebraska, has completed the requirements for and been awarded the highest honor and rank in the Boy Scouts of Eagle Scout; and

WHEREAS, Rob Quirk was recognized by the Boy Scouts for his years of hard work, commitment to his scouting duties, and service to his community which included his Eagle Scout project. His project consisted of renovating the playground equipment at Adams County School District 15; and

WHEREAS, fewer than two percent of all boys who join Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Rob Quirk has achieved great success as an exemplary member of the scouting program; thereby, through his hard work and perseverance, joining other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes, and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rob Quirk on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Hastings.

2. That a copy of this resolution be sent to Rob Quirk and his family.

Laid over.

LEGISLATIVE RESOLUTION 205. Introduced by Burling, 33.

WHEREAS, Aaron Blaine Prior of Hastings, Nebraska, has completed the requirements for and been awarded the highest honor and rank in the Boy Scouts of America, the rank of Eagle Scout; and

WHEREAS, Aaron Prior was recognized by the Boy Scouts for his years of hard work, commitment to his scouting duties, and service to his community which included his Eagle Scout project; and

WHEREAS, fewer than two percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Aaron Prior has achieved great success as an exemplary member of the scouting program; thereby, through his hard work and perseverance, joining other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes, and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Aaron Prior on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Hastings.

2. That a copy of this resolution be sent to Aaron Prior and his family.

Laid over.

LEGISLATIVE RESOLUTION 206. Introduced by Burling, 33.

WHEREAS, Jared Thompson of Hastings, Nebraska, has completed the requirements for and been awarded the highest honor and rank in the Boy Scouts of America, the rank of Eagle Scout; and

WHEREAS, Jared Thompson was recognized by the Boy Scouts for his years of hard work, commitment to his scouting duties, and service to his community which included his Eagle Scout project; and

WHEREAS, fewer than two percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Jared Thompson has achieved great success as an exemplary member of the scouting program; thereby, through his hard work and perseverance, joining other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes, and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jared Thompson on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Hastings.

2. That a copy of this resolution be sent to Jared Thompson and his family.

Laid over.

LEGISLATIVE RESOLUTION 207. Introduced by Thompson, 14.

WHEREAS, the Papillion-La Vista High School Monarchs' softball team entered the 2003 season as the eight-time defending Class A state champions; and

WHEREAS, on October 17, 2003, the team won its ninth consecutive Class A state softball championship; and

WHEREAS, Head Coach Kristi Renner and the members of the Papillion-La Vista High School Monarchs' softball team achieved this outstanding accomplishment through their dedication, hard work, and a continued commitment to excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Papillion-La Vista High School Monarchs' softball team for its outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-La Vista High School Monarchs' softball team and Head Coach Kristi Renner.

Laid over.

LEGISLATIVE RESOLUTION 208CA. Introduced by Schimek, 27; Brown, 6; Burling, 33; Combs, 32; Mines, 18.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18, Article VIII, sections 4 and 6, Article IX, section 4, Article XI, section 1, and Article XVII, section 4, and repeal Article IX, section 5:

III-18 "The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, ~~Town~~ plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County ~~and Township~~ offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities; ~~Towns~~ and Villages; or changing or amending the charter of any ~~Town~~, City, or Village.

Providing for the election of Officers in ~~Townships~~, incorporated ~~Towns~~ Villages or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, ~~towns~~ villages, precincts, school districts, or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election; or designating the place of voting.

The sale or mortgage of real estate belonging to minors; or others under

disability.

The protection of game or fish.

Chartering or licensing ferries; or toll bridges, remitting fines, penalties, or forfeitures, creating, increasing, and decreasing fees, percentage, or allowances of public officers, during the term for which ~~said~~ the officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual; the right to lay down railroad tracks; or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; ~~PROVIDED, except~~ that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted."

VIII-4 "Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, ~~township, town~~ village, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; ~~PROVIDED, except~~ that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions."

VIII-6 "The Legislature may vest the corporate authorities of cities; ~~towns~~ and villages; with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special assessments for the maintenance, repair, and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe."

IX-4 "The Legislature shall provide by law for the election of such county ~~and township~~ officers as may be necessary and for the consolidation of county offices for two or more counties; ~~PROVIDED, except~~ that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties."

XI-1 "No village, city, county, ~~town~~, precinct, municipality, or other sub-

~~division~~ subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, ~~or~~ private corporation, or association."

XVII-4 "The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, ~~township~~ and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, and villages, and towns, shall be elected at a general election to be held as ~~aforsaid~~ provided in this section. An incumbent of any office shall hold over until ~~his~~ a successor is duly elected and qualified."

"Article IX, section 5, of the Constitution of Nebraska is repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate references to towns and townships and repeal provisions authorizing township organization.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 209CA. Introduced by Landis, 46; Cudaback, 36.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for ~~other~~ the following purposes, as directed by the Legislature:

(i) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund;

(ii) Forty-four and one-half percent of the money remaining after the

payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Ten percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska State Fair Board; and

(iv) One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the proceeds of a lottery operated and regulated by the State of Nebraska to be distributed for the costs of the lottery, the environment, education, the Nebraska State Fair, and the treatment of compulsive gambling.

For

Against".

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 891	Judiciary
LB 892	Revenue
LB 893	Business and Labor
LB 894	Transportation and Telecommunications
LB 895	Natural Resources
LB 896	Education
LB 897	Executive Board
LB 898	Government, Military and Veterans Affairs
LB 899	Transportation and Telecommunications
LB 900	Revenue

LB 901	Judiciary
LB 902	Government, Military and Veterans Affairs
LB 903	Urban Affairs
LB 904	Education
LB 905	Revenue
LB 906	Health and Human Services
LB 907	Transportation and Telecommunications
LB 908	Transportation and Telecommunications
LB 909	Transportation and Telecommunications
LB 910	Transportation and Telecommunications
LB 911	Transportation and Telecommunications
LB 912	Transportation and Telecommunications
LB 913	Government, Military and Veterans Affairs
LB 914	General Affairs
LB 915	Government, Military and Veterans Affairs
LB 916	Natural Resources
LB 917	Education
LB 918	Agriculture
LB 919	Transportation and Telecommunications
LB 920	Banking, Commerce and Insurance
LB 921	Health and Human Services
LB 922	Revenue
LB 923	Natural Resources
LB 924	Transportation and Telecommunications
LB 925	Transportation and Telecommunications
LB 926	Judiciary
LB 927	Government, Military and Veterans Affairs
LB 928	Judiciary
LB 929	Health and Human Services
LB 930	Business and Labor
LB 931	Health and Human Services

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 816. No objections. So ordered.

Senators Foley, Schimek, Synowiecki, and Thompson asked unanimous consent to have their names added as cointroducers to LB 879. No objections. So ordered.

Senators Erdman and Thompson asked unanimous consent to have their names added as cointroducers to LB 880. No objections. So ordered.

Senators Erdman and Thompson asked unanimous consent to have their names added as cointroducers to LB 881. No objections. So ordered.

Senators Jensen, Preister, and Redfield asked unanimous consent to have their names added as cointroducers to LB 892. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LR 209CA. No objections. So ordered.

VISITORS

Visitor to the Chamber as Daniel Wallenas from Sweden.

ADJOURNMENT

At 10:42 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Monday, January 12, 2004.

Patrick J. O'Donnell
Clerk of the Legislature